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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,123	02/05/2004	Densen Cao	5045.6 P	3257

7590 01/03/2007
Parsons Behle & Latimer
Suite 1800
201 South Main Street
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Salt Lake City, UT 84111

EXAMINER

JACKSON JR, JEROME

ART UNIT	PAPER NUMBER
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2815

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/773,123

Applicant(s)

CAO, DENSEN

Examiner

Jerome Jackson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 24-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no antecedent basis for claiming a “unidirectional illuminating light” or “only in a direction away from said connection knob in order to provide a unidirectional illuminating light”. This language is not originally present and there is basis to reason that the original disclosure disagrees with the new language and does not support the new language. The original language states an emission of light along “an arc of a circle defined by theta”. This does not imply one direction or “unidirectional”. The exact intent of “unidirectional” in the new claims is not clearly defined or originally supported and thus is considered new matter as well as vague and indefinite. Likewise the limitation “said distal face being the only location suitable for mounting” is not original, does not have antecedent basis, and the structure or intention of such language is not originally or clearly defined. What structure does “suitable” define ?

New figures 1-4b are also considered new matter because there is a different configuration of diodes in new figure 1 contrary to old figure1; there is a structure around wires 207a,b that is not shown in original figures 207a,b; there is a different

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curvature relationship in new figures 3a,b compared with original figures 3a,b; and new figures 4a,b do not have antecedent basis in the original disclosure.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24-28, as best understood, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Begemann '722.

Begemann shows in figure 1 a connection knob 2, a casing 5, a secondary heat sink 3 facing away from the connection knob, primary heat sinks 12, LEDs 4, and a heat dissipation grid 1 with topographical features 7. The limitation "said LEDs being arranged on said distal face so that light emitted by said LEDs is emitted only in a direction away from said connection knob in order to provide a unidirectional illuminating light" does not structurally distinguish over Begemann because the LEDs on the top surface of secondary heat sink meet this claim language structure and function. Furthermore, the directed light is considered unidirectional because the light from the top surface is directed away from the bottom of the device. Furthermore, with all the LEDs on the bottom switched off or disconnected, the claim does not structurally distinguish over, or is, alternately, completely obvious over Begemann. Eliminating the bottom or sideways facing LEDs and their function is not a patentable change over Begemann. See *In re Conrad* 169 USPQ 170 "...obvious to omit feature of prior art when function thereof not wanted or needed". If light is not needed in the bottom or side direction of Begemann's device elimination of those LEDs is obvious to one of ordinary

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skill. Note adjustment of LED function is disclosed (col.4 lines 38-53). There are no unexpected results.

Claim 25 is rejected as heat dissipation grid 1 is integrally constructed with or at least integral construction would have been obvious with secondary heat sink 3 because they are connected together for heat sinking as shown in the figures and specification.

Claim 26 is rejected as structures 1 and 3 may also be physically "separate" components joined for heat sinking. Alternately the two heat sinking structures may be joined by heat conducting adhesive or solder as is well known in the art for joining heat sinking structures.

Claim 27 is rejected as above.

Claim 28 is rejected as there is control circuitry in the gear column 1 located between the connector 2 and the secondary heat sink 3 (col.3 lines 10-15), or on a surface of sink 3 of Begemann. It would have been obvious to include a circuit board in the column 1 to control the fan or lighting as the fan and lights can be adjusted. A substrate surface for mounting control circuitry is obvious as there are adjusting screws 8 for control. As above, eliminating LEDs on the side surfaces or disconnecting them is fundamentally obvious alteration.

Applicant's arguments filed 6/21/06 have been fully considered but they are not persuasive. Contrary to applicant's arguments "grid" does not structurally distinguish over Begemann where column 1 with holes can be labeled a "grid". There are no "grid" structures claimed which would unequivocally distinguish over Begemann.

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Regarding “unidirectional”, note LEDs can be shut off in Begemann, eliminating LEDs and their function is fundamentally obvious, and sections of LEDs in Begemann illuminate “unidirectionally”.

Regarding uniplanar heat sink, again eliminating unneeded structures and their function is fundamentally obvious. Therefore, eliminating bottom or side LEDs and heatsinks is obvious. Furthermore each secondary heatsink for in plane LEDs is “uniplanar” in Begemann.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

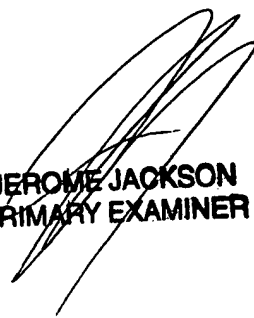
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Jackson Jr. whose telephone number is 571-272-1730. The examiner can normally be reached on M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jj


JEROME JACKSON
PRIMARY EXAMINER